

SENATE JOURNAL OF THE IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-EIGHTH LEGISLATURE

SEVENTY-EIGHTH LEGISLATIVE DAY
MONDAY, MARCH 27, 2006

Senate Chamber

President Risch called the Senate to order at 11 a.m.

Roll call showed all members present except Senators
Cameron, Gannon, Pearce, and Stegner, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Lacey Keller, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the
Senate Journal of the proceedings of March 24, 2006, was read and
approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered
filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent,
the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

Senator Gannon was recorded present at this order of
business.

March 27, 2006

The Honorable Jim Risch
President of the Senate
Idaho State Senate

Dear Mr. President:

We the undersigned hereby petition the presiding officer of
the Senate, pursuant to Joint Rule 20, to waive the provisions of
Joint Rule 20 with regard to transmittal of a proposed

constitutional amendment after the 55th day of the Regular
Legislative Session. Your concurrence will allow the introduction
of **SJR 108**.

We would appreciate your consideration of this petition.

Sincerely,

/s/ Robert L. Geddes
President Pro Tempore

/s/ Bart Davis
Majority Leader

/s/ Joe Stegner
Assistant Majority Leader

/s/ Brad Little
Majority Caucus Chairman

Upon presentation of the above petition regarding **SJR 108**,
the President waived the provisions of Joint Rule 20 pertaining to
the introduction of proposed constitutional amendments after the
fifty-fifth Legislative Day. The correspondence was ordered filed
in the office of the Secretary of the Senate.

SJR 108

BY STATE AFFAIRS COMMITTEE

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE VII, OF THE
CONSTITUTION OF THE STATE OF IDAHO, RELATING TO
FINANCE AND REVENUE BY THE ADDITION OF A NEW
SECTION 18, ARTICLE VII, OF THE CONSTITUTION OF
THE STATE OF IDAHO, TO PROVIDE THAT ON AND
AFTER JANUARY 1, 2007, NO TAXES SHALL BE LEVIED
AGAINST REAL OR PERSONAL PROPERTY FOR
MAINTENANCE AND OPERATION OF THE PUBLIC
SCHOOLS BY NONCHARTER SCHOOL DISTRICTS, TO
PROVIDE THAT THE LEGISLATURE SHALL APPROPRIATE
SUFFICIENT FUNDS FROM SALES AND USE TAXES TO
ENSURE THAT SCHOOL DISTRICTS CONTINUE TO
RECEIVE STATE FUNDS AS ENTITLED BY LAW,
INCLUDING THE PORTION OF SUCH ENTITLEMENT
FORMERLY COMPRISED BY SUCH MAINTENANCE AND
OPERATION FUNDS, BUT NOT INCLUDING SUCH
MAINTENANCE AND OPERATION FUNDS FORMERLY
RAISED BY SCHOOL DISTRICTS IN EXCESS OF THE
AMOUNT OF FUNDS SCHOOL DISTRICTS ARE ENTITLED
TO RECEIVE UNDER PUBLIC SCHOOL FUNDING
FORMULAS PRESCRIBED BY LAW AND TO PROVIDE
THAT THIS PROHIBITION SHALL NOT APPLY TO TAX
LEVIES APPROVED BY QUALIFIED ELECTORS AT AN
ELECTION AS PROVIDED BY LAW OR TO OTHER TAX
LEVIES AS MAY BE PROVIDED BY LAW; STATING THE
QUESTION TO BE SUBMITTED TO THE ELECTORATE;
DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE
THE STATEMENTS REQUIRED BY LAW; AND DIRECTING
THE SECRETARY OF STATE TO PUBLISH THE
AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

SJR 108 was introduced, read the first time at length, and
referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senator Stegner was recorded present at this order of
business.

March 27, 2006

March 27, 2006

The JUDICIARY AND RULES Committee reports that **S 1470** and **S 1471** have been correctly printed.

DARRINGTON, Chairman

S 1470 and **S 1471** were referred to the Finance Committee.

March 24, 2006

The JUDICIARY AND RULES Committee reports that **S 1275**, **S 1295**, **S 1334**, **S 1373**, **S 1395**, as amended, **S 1399**, **S 1400**, as amended, **S 1401**, **S 1407**, **S 1409**, as amended, **S 1411**, **S 1413**, **S 1449**, **S 1450**, **S 1451**, and **S 1452** have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1275**, **S 1295**, **S 1334**, **S 1373**, **S 1395**, as amended, **S 1399**, **S 1400**, as amended, **S 1401**, **S 1407**, **S 1409**, as amended, **S 1411**, **S 1413**, **S 1449**, **S 1450**, **S 1451**, and **S 1452** and ordered them transmitted to the House for the signature of the Speaker.

March 24, 2006

The JUDICIARY AND RULES Committee reports that **S 1363**, as amended in the House, and **S 1300**, as amended, as amended in the House, have been correctly engrossed.

DARRINGTON, Chairman

S 1363, as amended in the House, and **S 1300**, as amended, as amended in the House, were filed for first reading.

March 27, 2006

The JUDICIARY AND RULES Committee reports that Enrolled **S 1417**, **S 1442**, **S 1443**, **S 1444**, **S 1445**, **S 1446**, and **S 1447** were delivered to the Office of the Governor at 1:20 p.m., March 24, 2006.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 24, 2006

The STATE AFFAIRS Committee reports out **HJM 22** and **HCR 62** with the recommendation that they do pass.

BURTENSCHAW, Chairman

HJM 22 and **HCR 62** were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

The FINANCE Committee reports out **S 1470** and **S 1471** with the recommendation that they do pass.

CAMERON, Chairman

S 1470 and **S 1471** were filed for second reading.

March 24, 2006

The STATE AFFAIRS Committee reports out **H 714**, as amended, with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

BURTENSCHAW, Chairman

There being no objection, **H 714**, as amended, was referred to the Fourteenth Order of Business, General Calendar.

March 27, 2006

The STATE AFFAIRS Committee reports out **H 791** with the recommendation that it do pass.

BURTENSCHAW, Chairman

H 791 was filed for second reading.

On request by Senator Little, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

March 24, 2006

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

**S 1250, S 1312, S 1318, S 1320, S 1322, S 1326, S 1328,
S 1336, S 1345, S 1371, S 1416, S 1422, S 1430, S 1431,
S 1432, S 1434, S 1435, S 1436**

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

Messages from the House

March 24, 2006

March 24, 2006

Mr. President:

I transmit herewith **H 837, H 838, H 839, H 836, H 833, and H 841** which have passed the House.

JUKER, Chief Clerk

H 837, H 838, H 839, H 836, H 833, and H 841 were filed for first reading.

March 24, 2006

Mr. President:

I return herewith **S 1454, S 1455, S 1266**, as amended, **S 1412**, as amended, **SCR 125, SCR 126, S 1350**, as amended, **SCR 129, S 1327, S 1414, S 1428, S 1314**, as amended, **S 1356**, as amended, **SJM 119, S 1338, S 1339, S 1343**, and **SCR 130** which have passed the House.

JUKER, Chief Clerk

S 1454, S 1455, S 1266, as amended, **S 1412**, as amended, **SCR 125, SCR 126, S 1350**, as amended, **SCR 129, S 1327, S 1414, S 1428, S 1314**, as amended, **S 1356**, as amended, **SJM 119, S 1338, S 1339, S 1343**, and **SCR 130** were referred to the Judiciary and Rules Committee for enrolling.

March 24, 2006

Mr. President:

I transmit herewith Enrolled **HCR 59, HJM 21, H 712, H 545, H 686, H 687, H 729, H 582, H 680, H 793, H 794, H 797, H 798, H 799**, and **H 594** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **HCR 59, HJM 21, H 712, H 545, H 686, H 687, H 729, H 582, H 680, H 793, H 794, H 797, H 798, H 799**, and **H 594** and ordered them returned to the House.

March 24, 2006

Mr. President:

I return herewith Enrolled **S 1296, S 1297, S 1321, S 1331, S 1332**, as amended, **S 1351, S 1352, S 1353, S 1374, S 1379, S 1397**, and **S 1403** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1296, S 1297, S 1321, S 1331, S 1332**, as amended, **S 1351, S 1352, S 1353, S 1374, S 1379, S 1397**, and **S 1403** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

Mr. President:

I return herewith **S 1342** which has failed to pass the House.

JUKER, Chief Clerk

S 1342 was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senators Cameron and Pearce were recorded present at this order of business.

The President announced that **HCR 50**, as amended, was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Coiner, seconded by Senator Kelly, **HCR 50**, as amended, was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1472

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO LEGISLATIVE DISTRICT CENTRAL COMMITTEES; AMENDING SECTION 34-503, IDAHO CODE, TO PROVIDE THAT THE PRECINCT COMMITTEEMEN WITHIN EACH LEGISLATIVE DISTRICT SHALL MEET WITHIN THE LEGISLATIVE DISTRICT OR AT A CONVENIENT LOCATION IN A LEGISLATIVE DISTRICT CONTIGUOUS TO THE LEGISLATIVE DISTRICT, OR AT A CONVENIENT LOCATION IN A COUNTY IN WHICH ANY PORTION OF THE LEGISLATIVE DISTRICT SITS, WITHIN ELEVEN DAYS AFTER THE PRIMARY ELECTION; AND DECLARING AN EMERGENCY.

S 1473

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE SUPREME COURT FOR DISTRICT COURT JUDGES AND COURT REPORTERS FOR FISCAL YEAR 2007.

S 1474

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE SUPREME COURT FOR PURCHASING ADDITIONAL YEARS OF SERVICE IN THE PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO FOR CERTAIN RETIRING MAGISTRATE JUDGES FOR FISCAL YEAR 2007.

S 1475**BY FINANCE COMMITTEE****AN ACT**

RELATING TO APPROPRIATIONS; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF WATER RESOURCES FOR FISCAL YEAR 2007, TO COMMENCE A NORTHERN IDAHO WATER RIGHTS ADJUDICATION; AUTHORIZING THE DEPARTMENT OF WATER RESOURCES ADDITIONAL FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING ADDITIONAL MONEYS TO THE SUPREME COURT FOR FISCAL YEAR 2007; PROVIDING LEGISLATIVE INTENT WITH REGARD TO THE USE OF THE MONEYS AND UNEXPENDED MONEYS; AND AMENDING SECTION 42-1777, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE WATER RESOURCES ADJUDICATION ACCOUNT, TO PROVIDE CORRECT TERMINOLOGY AND TO AUTHORIZE THE STATE CONTROLLER TO ESTABLISH MULTIPLE FUND DETAILS WITHIN THE FUND.

S 1476**BY FINANCE COMMITTEE****AN ACT**

APPROPRIATING MONEYS TO THE STATE TAX COMMISSION FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

S 1477**BY FINANCE COMMITTEE****AN ACT**

APPROPRIATING MONEYS TO THE BOARD OF TAX APPEALS FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

S 1478**BY FINANCE COMMITTEE****AN ACT**

APPROPRIATING MONEYS FOR THE IDAHO SCHOOL FOR THE DEAF AND THE BLIND FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AUTHORIZING FUND DEPOSITS; DIRECTING THE ALLOCATION OF SALARY SAVINGS; DIRECTING THAT THE SCHOOL ONLY OPERATE THE NECESSARY NUMBER OF COTTAGES; GRANTING AUTHORITY TO MAKE CERTAIN FUND TRANSFERS; AND DECLARING AN EMERGENCY FOR SECTION 6 OF THIS ACT.

S 1479**BY FINANCE COMMITTEE****AN ACT**

APPROPRIATING MONEYS FOR THE IDAHO STATE HISTORICAL SOCIETY FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

S 1480**BY FINANCE COMMITTEE****AN ACT**

APPROPRIATING MONEYS FOR THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; EXPRESSING LEGISLATIVE INTENT REGARDING RESOURCE SHARING; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

S 1481**BY FINANCE COMMITTEE****AN ACT**

APPROPRIATING MONEYS FOR THE IDAHO EDUCATIONAL PUBLIC BROADCASTING SYSTEM FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

S 1482**BY STATE AFFAIRS COMMITTEE****AN ACT**

RELATING TO ABORTIONS; AMENDING SECTION 18-604, IDAHO CODE, TO REVISE DEFINITIONS AND TO DEFINE ADDITIONAL TERMS; REPEALING SECTION 2, CHAPTER 393, LAWS OF 2005, RELATING TO DEFINITIONS; AMENDING SECTION 18-609, IDAHO CODE, TO REVISE PROCEDURES, TO PROVIDE FOR DISCIPLINE AND TO PROVIDE FOR A CIVIL PENALTY; AND PROVIDING SEVERABILITY.

S 1483**BY STATE AFFAIRS COMMITTEE****AN ACT**

RELATING TO ABORTION; REPEALING CHAPTER 393, LAWS OF 2005, RELATING TO ABORTION; AMENDING SECTION 9-340G, IDAHO CODE, TO REVISE A PUBLIC RECORDS EXEMPTION AND TO PROVIDE FOR A CORRECT CODE REFERENCE; AMENDING SECTION 18-604, IDAHO CODE, TO REVISE DEFINITIONS AND TO DEFINE ADDITIONAL TERMS; AMENDING SECTION 18-605, IDAHO CODE, TO PROVIDE FOR CRIMINAL ACT STATE OF MIND; REPEALING SECTION 18-609A, IDAHO CODE, RELATING TO CONSENT REQUIRED FOR ABORTIONS FOR MINORS; AMENDING CHAPTER 6, TITLE 18, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 18-609A, 18-609F AND 18-609G, IDAHO CODE, TO PROVIDE PROCEDURES FOR OBTAINING CONSENT FOR ABORTIONS FOR MINORS, TO PROVIDE FOR REPORTING BY COURTS AND TO PROVIDE FOR STATISTICAL RECORDS; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

S 1472, S 1473, S 1474, S 1475, S 1476, S 1477, S 1478, S 1479, S 1480, S 1481, S 1482, and S 1483 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

S 1363, as amended in the House, by Commerce and Human Resources Committee, was read the first time at length and filed for second reading.

S 1300, as amended, as amended in the House, by Judiciary and Rules Committee, was read the first time at length and filed for second reading.

H 837, H 838, H 839, and H 836, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

H 833, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

H 841, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 771, H 772, H 773, H 774, and H 775, by State Affairs Committee, were read the second time at length and filed for third reading, Consent Calendar.

H 784, by State Affairs Committee, was read the second time at length and filed for third reading.

H 829, H 830, and H 831, by Appropriations Committee, were read the second time at length and filed for third reading.

S 1469, by Finance Committee, was read the second time at length and filed for third reading.

H 750, as amended, by Education Committee, was read the second time at length and filed for third reading.

H 763, by State Affairs Committee, was read the second time at length and filed for third reading.

H 796 and H 764, by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

H 728, by State Affairs Committee, was read the second time at length and filed for third reading.

H 780, H 781, H 474, as amended, and **H 745**, by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

S 1441, as amended, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Brandt, granted by unanimous consent, **H 770**, as amended in the Senate, was referred to the Fourteenth Order of Business, General Calendar.

S 1453 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stegner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 31.

NAYS--Andreason, Brandt, Pearce, Sweet. Total - 4.

Total - 35.

Whereupon the President declared **S 1453** passed, title was approved, and the bill ordered transmitted to the House.

S 1438 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Clark (Burkett), Coiner, Compton, Corder, Gannon, Goedde, Jorgenson, Kelly, Keough, Langhorst, Little, Malepeai, Marley, Schroeder, Stegner, Stennett, Werk. Total - 20.

NAYS--Brandt, Burtenshaw, Cameron, Darrington, Davis, Fulcher, Geddes, Hill, Lodge, McGee, McKenzie, Pearce, Richardson, Sweet, Williams. Total - 15.

Total - 35.

Whereupon the President declared **S 1438** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:15 p.m. until the hour of 9 a.m., Tuesday, March 28, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary